

*Andersen, et al. v. King County, et al.*  
Concurrence by Alexander, C.J.

No. 75934-1

ALEXANDER, C.J. (concurring)—Although many pages of opinion have been written in this case, the issue with which we are here confronted is really quite narrow. The question before us is this: is the provision in Washington’s marriage statute, RCW 26.04.010, which clearly states that marriage is between a “male and a female,” unconstitutional? Put another way, have the petitioners met their burden of overcoming the presumption that this statutory provision is constitutional? The answer to both questions is clearly “no,” for reasons stated very articulately by Justice Madsen in the majority opinion. If we were to conclude otherwise, as do the dissenters, we would be usurping the function of the legislature or the people as defined in article II of the constitution of the state of Washington.

I quickly add, though, that there is nothing in the opinion that I have signed which should be read as casting doubt on the right of the legislature or the people to broaden the marriage act or provide other forms of civil union if that is their will.

AUTHOR:

Chief Justice Gerry L. Alexander

WE CONCUR:

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